

### REMARKS-General

1. The amended independent claim 1 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All claims 1-13 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

#### Response to Rejection of Claims 1-13 under 35USC103

2. The Examiner rejected claims 1-13 over Wang et al. (US 6,382,307) in view of Lee (US 6,619,381).

3. Pursuant to 35 U.S.C. 103: "(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

4. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

5. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Wang which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Lee at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant

invention and the primary prior art, Wang et al, are obvious in view of the supplemental cited art, Lee, we have to identify all the differences between the claims of the instant inventions and Wang et al. The applicant respectfully identifies the differences between the claims of the instant invention and Wang et al as follows:

(a) in claim 1, “at least an engaging arm **bendably** extended from the peripheral edge of the plate body” is claimed, wherein Wang merely discloses a plurality of clips in the figures. Besides, Wang does not verbally suggest any clip at the fin. In other words, there is no description in Wang regarding to clip. Accordingly, the objective of Wang is to provide a through hole and a slender hole with a smaller diameter being formed on an upper edge of the through hole. However, the objective of the instant invention is to provide the heat dissipating members which are **selectively to be assembled**. It is apparent that Wang fails to teach the engaging arm is bendably extended from the plate body as claimed in the instant invention.

(b) in claim 1, “the engaging arm has a narrowed root portion **bendably** and outwardly extended from the peripheral edge of the plate body and an engaging head portion extending from the root portion” is included to lock up the heat dissipating members when the engaging head portion of the engaging arm of the heat dissipating member is substantially engaged with the root portion of the engaging arm of another heat\_dissipating member, wherein Wang never mentions any engaging arm having a narrowed root portion and an engaging head portion.

(c) Wang does not teach “each of the engaging arms, having a Y-shape, integrally extended from the peripheral edge of the plate body in a bendable manner” as claimed in claim 2 in addition to what is claimed in claim 1 as a whole.

(d) Wang does not teach “the engaging head portion of each of the engaging arms forms two engaging wings adapted to engage with the root portion of another engaging arm” as claimed in claim 2 in addition to what is claimed in claim 1 as a whole.

(e) Wang never mentions any of “two engaging wings are symmetrically identical, wherein each of the engaging arms is bent 90 degrees with respect to the plate body to engage the engaging wings of the engaging arm with the root portion of another corresponding engaging arm at the peripheral edge of the plate body” as claimed in claim 3 in addition to what is claimed in claim 1 as a whole.

(f) Wang does not teach any “folding arm which is integrally and bendably extended from the peripheral edge of the plate body and is arranged to downwardly fold to overlap on the folding arm of another heat dissipating member to lock up the heat dissipating members” as claimed in claims 4-6 in addition to what is claimed in claim 1 as a whole.

(g) Wang does not disclose any “folding arms is downwardly bent 90 degrees to transversely extended from the heat dissipating surface of the plate body to overlap on the folding arm of another heat dissipating member” as claimed in claims 7-9 in addition to what is claimed in claim 1 as a whole.

(h) Wang fails to teach “each of the engaging arm has a predetermined length arranged when the engaging arm is **bent to engage** with another engaging arm to lock up the heat dissipating members, the heat guiding channels of the heat dissipating members are aligned to form an elongated heat conducting conduit” as claimed in claims 10-13 in addition to what is claimed in claim 1 as a whole.

7. Whether the claims 1 to 13 as amended of the instant invention are obvious depends on whether the above differences (a) to (h) between the instant invention and Wang et al are obvious in view of Lee at the time of the invention was made.

8. Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." *Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

9. Lee merely teaches a Y-shaped connector extending from each of the upper and lower edges of the fin to engage with the aperture in the upper and lower edge of an adjacent fin without any suggestion of how to lock up the fins by bending the connector. In addition, Lee merely teaches, in column 2, lines 39-40, the Y-shaped connector perpendicularly extends from the fin. In other words, Lee never mentions any concept of the engaging arm bendably extended from the peripheral edge of the plate body such that the engaging arm is arranged to be bent to lock up the heat dissipating member.

10. Accordingly, Wang merely disclose the heat dissipating fin set is combined by heat melting and, in figures 2 and 3, each of the heat dissipating fins is slid towards an adjacent heat dissipating fin at a direction until the "clip" of the heat dissipating fin is clipped with the adjacent heat dissipating fin.

11. Similarly, Lee teaches the fin is slid towards the adjacent fin at a direction until the Y-shaped connector engages with the aperture of the adjacent fin. To combine the fins, in column 2, lines 54-56, the Y-shaped connectors are inserted into the apertures of the adjacent fin while the wings are bent inward to engage with the adjacent fin. In other words, Lee does not teach the concept of "the engaging arm is bendably extended from the heat dissipating member". It is apparently that the engaging arm of the instant invention is not equivalent to the Y-shaped connector of Lee. The Y-shaped connector of Lee cannot be bent while the entire engaging arm of the instant invention is bent to engage with the adjacent heat dissipating member. In addition, the common disadvantage of both Wang and Lee is that the attachment of the fins may easily loosen because each fin is slid at the direction to engage with the adjacent fin. Once a pulling force is applied on the fin at the opposite direction, the fin will detach from the adjacent fin. It is worth to mention that the engaging arm is bendably and outwardly extended from the plate body wherein the engaging arm is bent to bent 90 degrees with respect to plate body such that the engaging wings of the engaging arm are engaged with the root portion of another corresponding engaging arm to lock up the heat dissipating members.

12. The locking operation of the instant invention requires two different actions. The heat dissipating member is firstly slid towards the adjacent heat dissipating member. The engaging arm is bent to lock at the peripheral edge of the adjacent heat dissipating members. Therefore, such locking engagement ensures the heat dissipating members are secured side-by-side. In addition, the heat dissipating members are easily assembled to form as a heat sink to dissipate the heat from the computer. As it is mentioned in the specification, the engaging arm allows the heat dissipating members to be selectively assembled to dissipate the heat from the portable computer.

13. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

14. Accordingly, the applicant believes that neither Wang et al nor Lee, separately or in combination, suggest or make any mention whatsoever of the difference subject features (a) to (h) as claimed in the amended claims 1 to 13 of the instant invention.

15. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

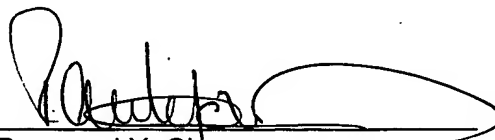
#### **The Cited but Non-Applied References**

16. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

17. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 1-13 at an early date is solicited.

18. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

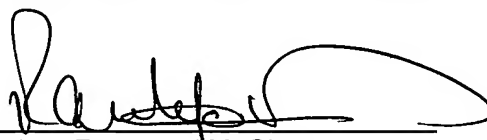


Raymond Y. Chan  
Reg. Nr.: 37,484  
108 N. Ynez Ave.  
Suite 128  
Monterey Park, CA 91754  
Tel.: 1-626-571-9812  
Fax.: 1-626-571-9813

#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 09/29/2005

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Person Signing: Raymond Y. Chan